

REMARKS

Claims 10, 14, 15 and 19 have been canceled. Claims 12, 17 and 20 have been rewritten in independent form, and claim 20 has been further amended. Claims 11, 13, 16 and 18 now depend from claims 12 and 17. The application as amended contains claims 11-13, 16-18 and 20. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 20 is rejected under the judicially created doctrine of obviousness-type double patenting (last paragraph on page 2 of the Office Action). Reconsideration is respectfully requested.

There are important differences between claim 20 of the present application and the claims pending in U.S. Patent Application 09/793,131. The '131 application contains claims 10-31. None of claims 10-16 or 18-31 of the '131 application recite the limitations that appear in the last paragraph of claim 20 of the present application. The remaining claim of the '131 application (claim 17) says that "a degree of modulation obtained, when recording of the longest mark is made thereon at a recording speed of . . . 0.5Vmin . . . is lower than the lowest standard value of the optical information recording medium." (Claim 17 depends from claims 15 and 16.) The "degree of modulation" limitations do not appear in claim 20 of the present application. For at least these reasons, the claims of the two co-pending applications are patentably distinct from each other, and there are other reasons why the claims are not conflicting, such that the rejection of claim 20 of the present application should be withdrawn.

Claim 20 is further rejected under 35 U.S.C. § 102 as being anticipated by Akihiro. Reconsideration is respectfully requested.

Claim 20 says that “the correction part sets $t1 - (t2' - t1')$ as said start address.” According to claim 20, $t1$ is the address set as a start address for a medium that has no inconsecutive portion, and $t1'$ and $t2'$ are addresses between which the inconsecutive portion is set. In addition, claim 20 as amended says that $t1$, $t1'$ and $t2'$ are all three different from each other. These aspects of claim 20 are readable on, though not limited to, the system described in Applicants’ specification, page 15, lines 9+.

Akihiro refers to the situation where recording is interrupted by a track jump or the like. The Akihiro system operates on a conventional disc where addresses are consecutive. Thus, the system recognizes a track jump by sensing a loss of address continuity in the data being read from the disc and, in response, interrupts the recording operation immediately. (The loss of continuity is caused by the track jump, not by any inconsecutive portion in the disc itself.) Akihiro refers to an address A of the last track whose continuity was maintained, and an address B that was read just before the interruption of recording. Akihiro fails to disclose or suggest all of the limitations of claim 20, as amended, including but not limited to the limitations in the last paragraph of claim 20. Consequently, the rejection of claim 20 should be withdrawn.

Claim 12 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Akihiro in view of Usui. Reconsideration is respectfully requested.


The Akihiro system operates on a conventional disc where addresses are consecutive. The system recognizes a track jump by sensing a loss of address continuity in the data being read from the disc. The system responds to the loss of continuity by interrupting the recording. The system then records no-sound data such that the disc can be played later on without generating noise.

Usui discloses an automatic laser power control system. There is no reason suggested in the references for using the Akihiro recording interrupting system, the purpose of which is to record a disc that can be reproduced later on without noise, during the Usui power control operation, in an area where power control is being performed. The one does not have any applicability to the other.

Thus, Applicants respectfully submit that the two references, even when considered together, do not fairly suggest the correction part of claims 12 and 17, which corrects an address in an inconsecutive portion during trial writing processing. Claims 11, 13, 16 and 18 should be allowable along with claims 12 and 17 and for other reasons. Allowance of the application is solicited.

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Respectfully submitted,

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